

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001	03 MDL 1570 (RCC) ECF Case
<i>This document relates to:</i>	

World Trade Center Properties LLC, et al. v. Al Baraka, et al., 04 CV 7280 (S.D.N.Y.)
Euro Brokers, et al. v. Al Baraka, et al., 04 CV 7279 (S.D.N.Y.)
Federal Insurance Company, et al. v. Al Qaida, et al., 03 CV 6978 (S.D.N.Y.)
Estate of John P. O'Neill, Sr., on behalf of John P. O'Neill, Sr., deceased, and on behalf of decedent's heirs-at-law, et al. V. Al Baraka Inv. and Dev. Corp., et al., 04 CV 1923 (S.D.N.Y.)
New York Marine and General Insurance Co. v. Al Qaida, et al., 04 CV 6105 (S.D.N.Y.)
Continental Casualty Company v. Al Qaida, 04 CV 5970 (S.D.N.Y.)

**DECLARATION OF JUSTIN BRAUN KAPLAN IN SUPPORT OF PLAINTIFFS' MEMORANDUM
OF LAW IN OPPOSITION TO MOTION TO DISMISS FILED BY DEFENDANT YASSIN
ABDULLAH KADI**

Justin Braun Kaplan declares as follows:

1. I am an Associate at the firm of Motley Rice, LLC, counsel for Plaintiffs in *World Trade Center Properties LLC, et al. v. Al Baraka, et al.*, 04 CV 7280 (RCC), and *Euro Brokers, et al. v. Al Baraka, et al.*, 04 CV 7279 (RCC). I submit this Declaration in support of Plaintiffs' Memorandum of Law in Opposition to Motion to Dismiss filed by defendant Yassin Abdullah Kadi ("Kadi").

2. Exhibit 1 is a true and accurate copy of the Affidavit of Michael E. Elsner including Attachments 1-10 referenced therein, executed on October 15, 2004, and filed with this Court that same day in the matter of *In Re Terrorist Attacks on September 11, 2001*, MDL No. 1570 (RCC), docket # 503, in support of Plaintiffs' Memorandum of

Law in Opposition to Defendant Yassin Abdullah Al Kadi's Motion to Dismiss with Supporting Points and Authorities.

3. Exhibit 2 is a true and accurate copy of Proof of Publication for *Al-Quds Al-Arabi* and the *International Herald Tribune*.

4. Exhibit 3 is a true and accurate copy of selected Saudi media reports.

5. Exhibit 4 is a true and accurate copy of an appendix summarizing Plaintiffs' allegations against Defendant Kadi.

6. Exhibit 5 is a true and accurate copy of the Testimony of Former National Security Advisor Richard A. Clarke before the United States Senate Banking Committee, October 22, 2003. http://banking.senate.gov/_files/clarke.pdf

7. Exhibit 6 is a true and accurate copy of the Government's Evidentiary Proffer Supporting the Admissibility of Coconspirator Statements," USA v. Arnaout (USDC, Northern District of Illinois, Eastern Division), January 29, 2003

8. Exhibit 7 is a true and accurate copy of "Osama Bin Laden: I bought the Jihad groups with my own money," *Ruz al-Yusuf*, June 17, 1996.

9. Exhibit 8 is a true and accurate copy of Muwafaq Netherlands, official abstract, 2005.

10. Exhibit 9 is a true and accurate copy of the U.S. Treasury Department Press Release, "United States Designates bin Laden Loyalist," February 24, 2004. <http://www.treas.gov/press/releases/js1190.htm>.

11. Exhibit 10 is a true and accurate copy of the Substitution for the Testimony of Khalid Sheikh Mohammed, Exhibit DX-0941; US v. Moussaoui.

12. Exhibit 11 is a true and accurate copy of "Albania: Officials Crack Down

on Terror Suspects," RFE/RL, January 27, 2002.

<http://www.balkanpeace.org/hed/archive/jan02/hed4610.shtml>

13. Exhibit 12 is a true and accurate copy of a fax on Cavallo Limited letterhead sent from Waleed Abu Sheikha to Faisal Fainance [*sic*], attn: Mr. Sabri Hassanein, January 20, 1999.


14. Exhibit 13 is a true and accurate copy of the U.S. Treasury Department Press Release, "Treasury Designates MIRA for Support to Al Qaida," July 14, 2005. <http://www.treasury.gov/press/releases/js2632.htm>

15. Exhibit 14 is a true and accurate copy of the Supplemental Request for assistance in the Investigation of the Safa Group, US Attorney Paul J. McNulty, December 10, 2002

16. Exhibit 15 is a true and accurate copy of a Yassin Kadi Investments Portfolio abstract, 10/16/2001.

17. Exhibit 16 is a true and accurate copy of an image of a service package addressed to Defendant Kadi in Jeddah, Saudi Arabia, and returned unopened to the United States.

Executed on April 11, 2006.


Justin Braun Kaplan